

§ 80.594

40 CFR Ch. I (7–1–04 Edition)

report, for each batch of diesel fuel imported, the information required to be reported under § 80.620(o).

(c) *Report submission.* Any annual report required by this section shall be:

(1) Signed and certified as meeting all the applicable requirements of this subpart by the owner or a responsible corporate officer of the refiner or importer; and

(2) Submitted to EPA no later than the last day of February for the prior calendar year period.

EFFECTIVE DATE NOTE: At 69 FR 39190, June 29, 2004, § 80.593 was amended by revising the section heading and paragraphs (a)(3) and (c)(2), effective Aug. 30, 2004. For the convenience of the user, the revised text is set forth as follows:

§ 80.593 What are the reporting requirements for refiners and importers of motor vehicle diesel fuel subject to temporary refiner relief standards?

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(a) * * *

(3) The percentage of the volume of motor vehicle diesel fuel produced during the compliance period that met the 15 ppm sulfur standard and the percentage that met the 500 ppm sulfur standard prior to the application of any volume credits.

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(c) * * *

(2) Submitted to EPA no later than August 31 for the prior annual compliance period.

§ 80.594 What are the pre-compliance reporting requirements?

(a) Beginning on June 1, 2003, and on June 1, 2004 and June 1, 2005, all refiners and importers planning to produce or import motor vehicle diesel fuel subject to the provisions of this subpart, shall submit the following information to EPA:

(1) Any changes to the information submitted for the company registration;

(2) Any changes to the information submitted for any refinery or import facility registration;

(3) An estimate of the annual production or importation, in gallons, after June 1, 2006, for each refinery and import facility, of 15 ppm motor vehicle diesel fuel produced from crude oil and, if applicable, 500 ppm motor vehicle

diesel fuel produced from crude oil, and the volumes of each grade of motor vehicle diesel fuel produced from other sources;

(4) If expecting to participate in the temporary compliance options provisions and the credit trading program, estimates of the number of credits to be generated and/or used each year the program is applicable;

(5) Information regarding engineering plans (e.g., design and construction), the status of obtaining any necessary permits, and capital commitments for making the necessary modifications to produce low sulfur motor vehicle fuel, and actual construction progress. The pre-compliance reports due 2004 and 2005 must provide an update of the progress in each of these areas.

(b) Beginning on June 1, 2003, all approved small refiners shall submit the following additional information to EPA, as applicable:

(1) In the case of a refinery with an approved application under § 80.552(a):

(i) A showing that sufficient sources of 15 ppm motor vehicle diesel fuel will likely be available in its marketing area after June 1, 2006 and through 2010;

(ii) If after 2003 the sources of 15 ppm motor vehicle diesel fuel decrease, the pre-compliance reports for 2004 and/or 2005 must identify this change and must include a supplementary showing that the sources of 15 ppm motor vehicle diesel fuel are still sufficient.

(2) In case of a refinery with an approved application under § 80.552(c), a demonstration that by June 1, 2006 its motor vehicle diesel fuel will be at 15 ppm sulfur at a volume at least 85% of its baseline motor vehicle diesel fuel volume.

(c) For each refiner and importer approved under § 80.540, a demonstration that by June 1, 2006 all of its motor vehicle diesel fuel will be at 15 ppm sulfur at a volume of at least 85% of its baseline motor vehicle diesel fuel volume.

(d) By July 1, 2006, each refiner and importer of motor vehicle diesel fuel shall submit a report to EPA stating that the production or importation of 15 ppm sulfur motor vehicle diesel fuel commenced by June 1, 2006.

Environmental Protection Agency

§ 80.595

EFFECTIVE DATE NOTE: At 69 FR 39190, June 29, 2004, § 80.594 was amended by revising the section heading and paragraphs (a)(3), (a)(5), (b) introductory text, (b)(2), and (c), and adding paragraphs (a)(6), (a)(7), (a)(8), and (e), effective Aug. 30, 2004. For the convenience of the user, the added and revised text is set forth as follows:

§ 80.594 What are the pre-compliance reporting requirements for motor vehicle diesel fuel?

(a) Except as provided in paragraph (d) of this section, beginning on June 1, 2003, and on June 1, 2004 and June 1, 2005, all refiners and importers planning to produce or import motor vehicle diesel fuel subject to the provisions of this subpart, shall submit the following information to EPA:

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(3) An estimate of the average daily volumes (in gallons) of each sulfur grade of motor vehicle diesel fuel produced (or imported) at each refinery (or import facility). These volume estimates must be provided both for fuel produced from crude oil, as well as any fuel produced from other sources, and must be provided for the periods of June 1, 2006 through December 31, 2006, January 1, 2007 through December 31, 2007, January 1, 2008 through December 31, 2008, January 1, 2009 through December 31, 2009, and January 1, 2010 through May 31, 2010, for each refinery and import facility;

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(5) Information on project schedule by quarter of known or projected completion date by the stage of the project, for example, following the five project phases described in EPA's June 2002 Highway Diesel Progress Review report (EPA420-R-02-016, <http://www.epa.gov/otaq/regs/hd2007/420r02016.pdf>): Strategic planning, Planning and front-end engineering, Detailed engineering and permitting, Procurement and construction, and Commissioning and startup;

(6) Basic information regarding the selected technology pathway for compliance (*e.g.*, conventional hydrotreating vs. other technologies, revamp vs. grassroots, *etc.*);

(7) Whether capital commitments have been made or are projected to be made; and

(8) The pre-compliance reports due 2004 and 2005 must provide an update of the progress in each of these areas.

(b) Beginning on June 1, 2003, all approved motor vehicle diesel fuel small refiners shall submit the following additional information to EPA, as applicable:

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(2) In case of a refinery with an approved application under § 80.552(c), a demonstration that by June 1, 2006 its motor vehicle diesel fuel will be at 15 ppm sulfur at a volume meeting the requirements of § 80.553(e).

(c) For each refiner and importer approved under § 80.540, a demonstration that by June 1, 2006, 95 percent of its motor vehicle diesel fuel will be at 15 ppm sulfur at a volume of meeting the requirements of § 80.540(e).

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(e) The pre-compliance reporting requirements of this section do not apply to refineries subject to the provisions of § 80.513.

§ 80.595 How does a refiner apply for a motor vehicle diesel fuel volume baseline?

(a) Any small refiner applying for extension of the duration of its small refiner gasoline sulfur standards of § 80.240, under §§ 80.552(c) and 80.553, or any refiner applying for an extension of the duration of the GPA standards under § 80.540 must apply for a motor vehicle diesel fuel volume baseline by December 31, 2001. A separate volume baseline must be sought for each refinery for which application of the provisions of § 80.553 or § 80.540 is sought.

(b) The volume baseline must be sent via certified mail with return receipt or express mail with return receipt to: U.S. EPA-Attn: Diesel Baseline (6406J), 1200 Pennsylvania Avenue, NW (6406J), Washington, DC 20460 (certified mail/return receipt) or Attn: Diesel Baseline, Transportation and Regional Programs Division, 501 3rd Street, NW (6406J), Washington, DC 20001 (express mail/return receipt).

(c) The motor vehicle diesel fuel volume baseline application must include the following information:

(1) A listing of the names and addresses of all refineries owned by the refiner for which the refiner is applying for a motor vehicle diesel fuel volume baseline.

(2) The average annual volume (in gallons) of motor vehicle diesel fuel produced for U.S. use in 1998 and 1999, for each refinery for which the refiner is applying for such baseline, calculated in accordance with § 80.596. The refiner shall follow the procedures, applicable to volume baselines and using motor vehicle diesel fuel instead of gasoline, specified in §§ 80.91 through